

Enablement

Although Applicant disagrees with the enablement rejection, Applicant has cancelled the rejected claims.

35 U.S.C. § 103

The Examiner asserts several obviousness rejections, relying primarily on a combination of Greenwalt (4,528,705) and Pearce (5,749,111). Applicant has previously submitted evidence of secondary considerations (commercial success) which Applicant requests be given weight at this time.

Applicant licensed the invention of the patent claims for consideration of \$650,000 (in cash and stock to Advanced Comfort Technology, Pacific Wave and Sleep Innovations. In addition, periodic royalty payments on products made using the invention are required. The licensees are located in Utah, New Jersey and Japan. If the invention in the patent claims were obvious, then the licensees would have combined the Pearce '111, Greenwalt '705 and other references to make the invention rather than paying several hundred thousand dollars to Applicant for rights in the invention. These payments represent both commercial success of the invention and respect for the patent application in the field, and rebut any prima facie case of obviousness.

Reconsideration and withdrawal of the rejection is requested.

Please debit Deposit Account No. 50-0581 for any additional fees.

Dated this 13 day of April, 2004.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized capital 'D' followed by a long, horizontal, slightly wavy line.

Daniel McCarthy
Reg. No. 36,600
Parsons Behle & Latimer
201 South Main Street, Suite 1800
Salt Lake City, Utah 84145
Tel: (801) 536-6830 or (801) 532-1234
Fax: (801) 536-6111
Email: DMcCarthy@pblutah.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Tony M. Pearce

Contourable Inflatable Orthopedic Pillow

Filed: April 25, 2001

Serial No.: 09/843,413

Docket: 03886.032/5066 P

Examiner: Ho, Thomas Y.

Group Art Unit: 3677

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

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Certificate of Mailing

Honorable Commissioner:

I hereby certify that the attached Response to Office Action being submitted via First Class Mail with the United States Postal Service in an envelope with sufficient postage on April 13, 2004, the envelope being addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313,1450.

Respectfully submitted this 13th day of April, 2004.

Daniel McCarthy
Reg. No. 36,600
Parsons, Behle & Latimer
201 South Main Street, Suite 1800
Salt Lake City, Utah 84145
Tel: (801) 536-6830 or (801) 532-1234
Fax: (801) 536-6111
Email: DMcCarthy@pblutah.com